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New lawsuit over Richmond mixed-use proposal for toxic site targets state regulators

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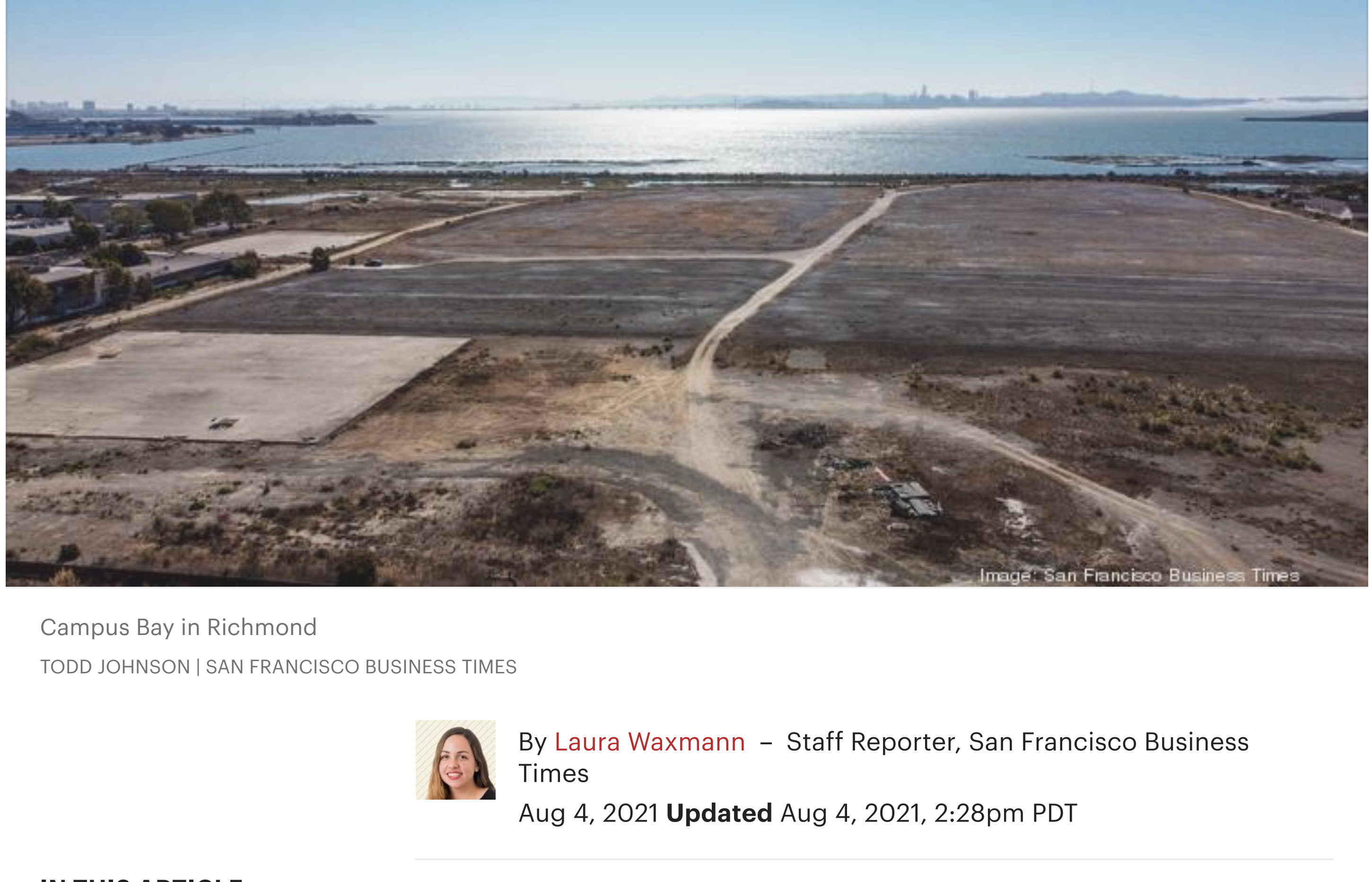
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Campus Bay in Richmond
TODD JOHNSON | SAN FRANCISCO BUSINESS TIMES

By **Laura Waxmann** – Staff Reporter, San Francisco Business Times
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Bay Area environmental groups that sued Richmond earlier this year for giving the green

light to thousands of homes on top of a contaminated former industrial site are now taking

state regulators to court.

A lawsuit filed in Contra Costa Superior Court on Tuesday alleges that the Department of Toxic

Substances Control and the state Environmental Protection Agency violated the California

Environmental Quality Act by approving a purchase agreement that authorizes the developers

to clean up the 86-acre site without adequate environmental review.

HRP Campus Bay Property LLC – a limited liability company related to Shopoff Investments and Hilco

Development – is the developer behind the 86-acre site on the South Richmond Shoreline.

The lawsuit names the development entity, DTSC and CalEPA along with Zeneca Inc. – now called

AstraZeneca – which is the longtime owner of the site at 1415 S. 47th St. It also names a number of

AstraZeneca’s subsidiaries and Cherokee Simeon Venture I LLC, a partner that owned parcels at the

site. I have reached out to the defendants for comment and will update this story once I hear back.

The purchase agreement is tied to a 2019 cleanup plan approved by the DTSC that does not not

consider current information on sea level rise and health risks posed by toxic chemicals that remain

at the site, according to the lawsuit.

“The 2019 clean up plan is based on the assumption that by 2100, the maximum amount of

sea level rise is about 5 feet. The new guidelines from 2020 say it’s actually about 7.5. feet. And if

you’re building something long term, you really ought to plan for 10 feet. So that’s a big difference,”

said Stuart Flashman, an attorney representing Richmond Shoreline Alliance.

The alliance filed the lawsuit along with Mothers Against Toxic Housing, SPRAWLDEF, Citizens for

East Shore Parks, Sierra Club, Sunflower Alliance and Greenaction for Health and Environmental

Justice. They are seeking a court order directing the defendants to rescind their approval of the

agreement and conduct a “proper environmental review under CEQA before taking any further

action on the PPA or on the cleanup of the Zeneca Site.”

The cleanup plan will “not only be ineffective in remediating the Zeneca Site, but will, instead,

result in spreading toxic materials now located in the soil and groundwater under the Zeneca Site in

all directions,” resulting in adverse health, safety and environmental impacts on nearby areas of

Richmond, the lawsuit alleges.

The waterfront site located west of Interstate 580 has been owned by pharmaceutical and pesticide

manufacturers for the last century, including Stauffer Chemical Co. and most recently

AstraZeneca. The EPA designated the campus as a Superfund site, and chemicals of concern found

there include benzene, arsenic, sulfuric acid, PCBs and trichloroethene.

The DTSC in 2019 approved the final cleanup plan, which includes pouring concrete over the soil and

removing some of the more heavily contaminated soil, treating the groundwater and installing a

system to take out toxic soil vapor.

In December 2020, the site’s developers won approval to build between 2,000 and 4,000 units of

housing and up to 50,000 square feet of retail space there. That same month, many of the

environmental groups now suing the state regulatory agencies filed a separate lawsuit against

the city of Richmond and its City Council.

That lawsuit also asks the court to force the city to come up with a new cleanup plan.

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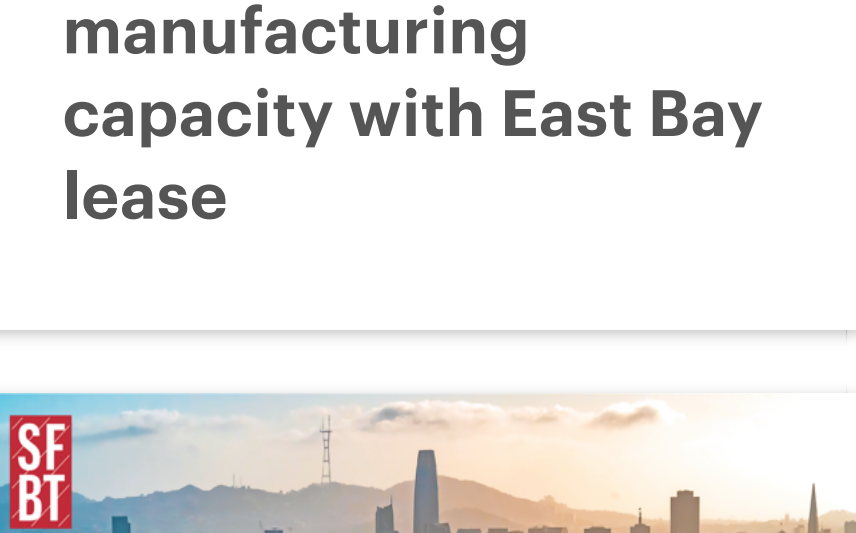
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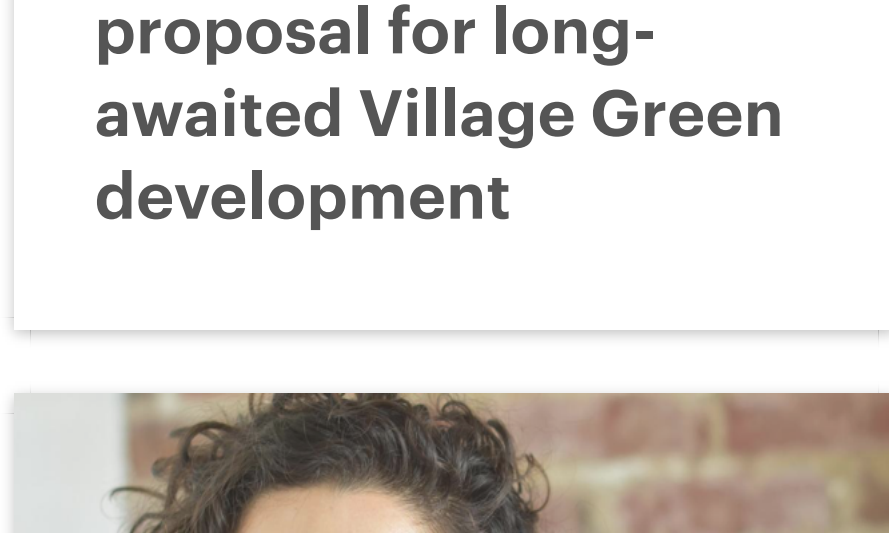


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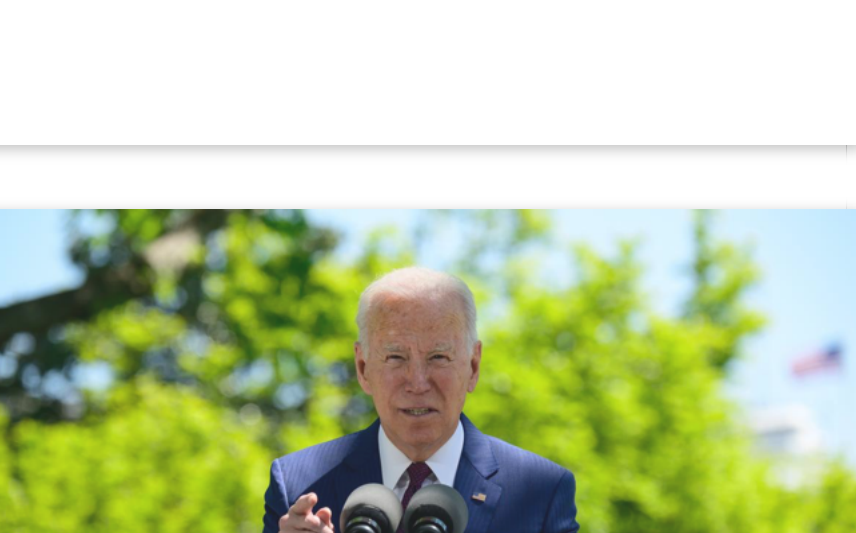
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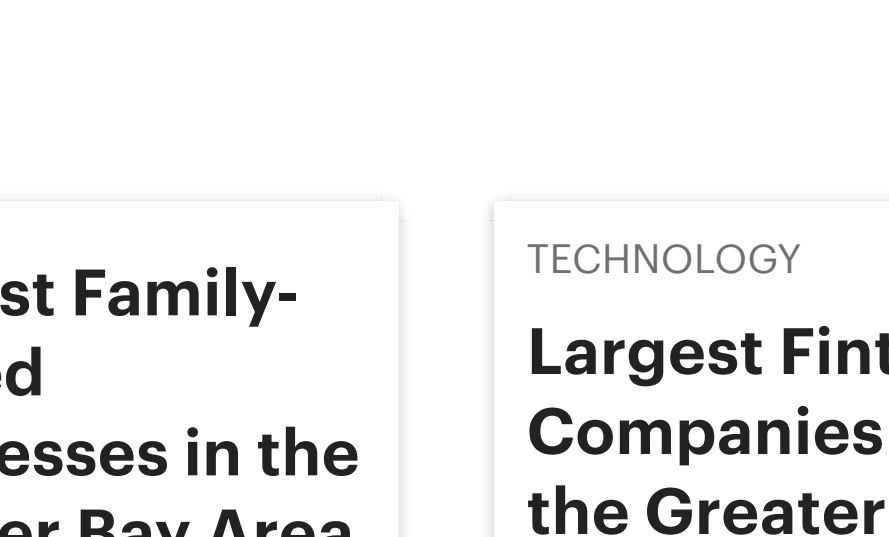
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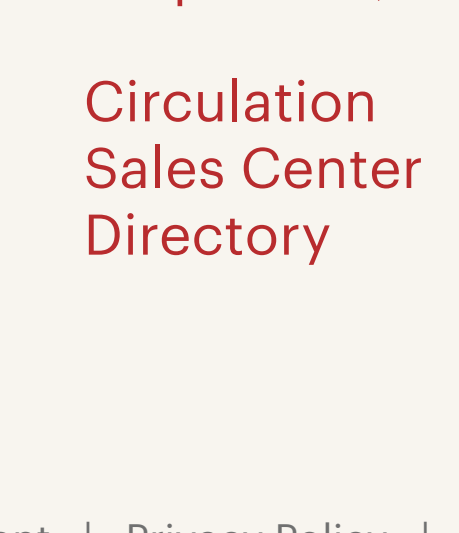
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